

Article - Education

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§9–104.1.

(a) In this section, “eligible public charter school” means a public charter school that has been in existence for at least 5 years and demonstrates to the public chartering authority a history of:

- (1) Sound fiscal management; and
- (2) Student achievement that exceeds the average in the local school system in which the public charter school is located on:
 - (i) Statewide assessments; and
 - (ii) Other measures developed by the State Board.

(b) The State Board shall develop standards and criteria by which an eligible public charter school shall be assessed by a public chartering authority.

(c) (1) An eligible public charter school may submit to a public chartering authority:

- (i) An application for renewal of an existing charter contract that incorporates the provisions of subsection (e) of this section; or
- (ii) Subject to paragraph (2) of this subsection, an application for an addendum to an existing charter contract that incorporates the provisions of subsection (e) of this section.

(2) An eligible public charter school may not submit an application under paragraph (1)(ii) of this subsection more than one time during the duration of an existing charter contract.

(d) If the public chartering authority determines that a public charter school is not an eligible public charter school, the public charter school may appeal the decision to the State Board in accordance with § 4–205(c) of this article.

(e) If an eligible public charter school and a public chartering authority mutually agree to an alternative means by which the eligible public charter school will satisfy the intent of the policies of the public chartering authority, an eligible public charter school is exempt from:

(1) Textbook, instructional program, curriculum, professional development, and scheduling requirements;

(2) A requirement to establish a school community council;

(3) Except for Title I schools, a requirement to establish a school improvement plan;

(4) Except for schools with a school activity fund, a requirement to provide school activity fund disclosure statements; and

(5) Except for prekindergarten classes, class size or staffing ratios.

(f) A public chartering authority and an eligible public charter school may jointly develop and mutually agree to a communication process and supervision methodology that flows among the county board, the operator, and the administration of the eligible public charter school.

(g) (1) An eligible public charter school may not be assigned a principal without the written consent of the operator of the eligible public charter school.

(2) (i) Staff members shall be assigned or transferred to an eligible public charter school if the staff member expresses in writing that the staff member wants to work in that eligible public charter school and the eligible public charter school requests in writing that the staff member be assigned or transferred to the eligible public charter school, provided there is an existing vacancy.

(ii) A transfer authorized under subparagraph (i) of this paragraph shall take place as designated by the agreement of the local bargaining unit in the local school system.

(h) Nothing in this section may be construed to take precedence over an agreement of a local bargaining unit in a local school system.

(i) Except as otherwise provided in this section, an eligible public charter school is subject to the provisions of this title.

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